

# Remarks

The Examiner was unavailable to answer questions regarding the USPTO's problem with the specification. Therefore, this office telephoned the Office of Data Management (ODM), which is the office within the Publishing Division that sent the present Notice. On 09/16/2010, the individual from the USPTO ODM informed this office that pages 2 and 6 referred to as "missing" in the Notice were the specification submitted on 04/03/2002, and that copies of pages 2 and 6 of the 04/03/2002 submission now needed to be submitted to respond to the Notice to File Corrected Application Papers. Missing pages 2 and 6 of the 04/03/2002 marked-up specification and pages 2 and 6 of the substitute specification associated with the 04/03/2002 submission are included herewith in Attachment 2.

In reviewing this office's application file, it was found that further amendments to the specification were submitted after 04/03/2002, and those amendments to the specification involved subject matter included in the missing pages 2 and 6 of the 04/03/2002 submission. This office again telephoned the USPTO ODM on 09/17/2010. We were informed that the ODM puts together the specification which is conveyed to Initial Data Capture and should be appropriately included in the published patent. We explained that if we only submitted pages 2 and 6 of the amendment submitted on 04/03/2002, as we were instructed on 09/16/2010, the later amendments to the specification (approved by the Examiner prior to his issuing the Notice of Allowance) would not be properly included in the published patent. Therefore, this office is also submitting the amendments to the specification involving pages 2 and 6 of the specification for our 06/22/2007 submission to the USPTO (Attachment 3) and the

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amendments to the specification involving pages 2 and 6 for our 04/03/2008 submission to the USPTO (Attachment 4).

We respectfully believe that this submission timely and completely responds to the Notice to File Corrected Application Papers mailed 08/17/2010. If you have any further questions, please feel free to call this Office.

Respectfully Submitted on Behalf of the Applicant and M. Robert Kestenbaum,



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#### CERTIFICATE OF SUBMISSION BY FACSIMILE TRANSMISSION

I hereby certify under 37 CFR §1.8(a) that this correspondence is being submitted by facsimile on 09/17/2010 (Fax Number 571-273-8300) with a request to be routed to Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



Laurie E. Kestenbaum

**Attachment 1: Copy of Notice to File Corrected Application Papers**

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